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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

16 SKYWEST PILOTS ALPA ORGANIZING  
17 COMMITTEE, *et al.*,

CASE NO.: C07-2688 CRB

**REVISED [PROPOSED]  
PRELIMINARY INJUNCTION**

17 Plaintiffs,

18 v.

19 SKYWEST AIRLINES, INC.,

20 Defendant.

22 The above-captioned matter came before the Court upon Plaintiffs' Motion for a  
23 Preliminary Injunction. A hearing was held on June 7, 2007 at which both parties were  
24 represented by counsel and presented live evidence, and prior to which both parties submitted  
25 briefs.

26 Having considered the evidence and legal arguments, the Court finds that Plaintiffs have  
27 demonstrated a likelihood of success on the merits and that the balance of hardships tips sharply  
28 in Plaintiffs' favor. Accordingly, Plaintiffs are entitled to a Preliminary Injunction.

1 In support of this Preliminary Injunction, the Court makes the following findings:

- 2 • Unlawful acts have been threatened and will be committed unless restrained or have  
3 been committed and will be continued unless restrained.
- 4 • Substantial and irreparable injury to Plaintiffs' property will occur in the absence of  
5 immediate injunctive relief.
- 6 • As to each item of relief granted in paragraphs 1 through 4 below, greater injury will  
7 be inflicted upon Plaintiffs by the denial of relief than will be inflicted upon  
8 Defendant by the granting of relief.
- 9 • Plaintiffs have no adequate remedy at law.
- 10 • Plaintiffs suffer injury in the form of the deprivation of their rights under the Railway  
11 Labor Act ("RLA" or "the Act"), 45 U.S.C. §152, Third and Fourth, to organize and  
12 to select a bargaining representative of their own choosing and specifically to engage  
13 in expressive and associational activity in connection with their organizing campaign,  
14 free of employer interference or discrimination.
- 15 • Harm to Plaintiffs is irreparable because under controlling Ninth Circuit caselaw,  
16 *Arcamuzi v. Continental Air Lines, Inc.*, 819 F.2d 935, 938 (9th Cir. 1987) ("coercive  
17 and inhibitory effects upon . . . employees' organizational rights secured by the RLA  
18 . . . [are] irreparable").
- 19 • The facts and the law clearly favor the Plaintiffs.

20 THEREFORE, IT IS HEREBY ORDERED that the Amended Temporary Restraining  
21 Order issued by this Court on May 24, 2007 is dissolved and superseded by this Preliminary  
22 Injunction.

23 IT IS FURTHER HEREBY ORDERED that Defendant SkyWest Airlines, Inc.  
24 ("SkyWest"), its officers, agents, servants, employees, and attorneys, and all persons acting by,  
25 through, under, or in concert with Defendant, pending a final ruling by this Court on the merits:

- 26 1) Are hereby enjoined from interfering in any way with SkyWest pilots' outward  
27 expression of support for ALPA and the ALPA organizing campaign and association with

1 like-minded pilots through, *inter alia*, the wearing of ALPA insignia on lanyards or pins,  
2 while in uniform or off duty.

3 2) Are hereby enjoined from interfering in any way with SkyWest pilots' oral  
4 communication with fellow SkyWest pilots regarding ALPA and the ALPA organizing  
5 campaign in non-work areas and non-work time and from interfering in any way with  
6 SkyWest pilots' communication with fellow SkyWest pilots regarding ALPA and the  
7 ALPA organizing campaign through distribution of ALPA-related materials in non-work  
8 areas such as bulletin boards and crew lounges.

9 3) Are hereby enjoined from discriminating in any way against SkyWest pilots with respect  
10 to the channels of communication they may use to communicate with fellow pilots, and,  
11 to comply with this prohibition, are hereby ordered to permit the pilots employed by  
12 SkyWest, who are members of Plaintiff SkyWest Pilots ALPA Organizing Committee  
13 and whose names appear on the attached Appendix A, to use the same channels of  
14 communication used by SkyWest Airlines Pilot Association ("SAPA") at any point  
15 during the last year, including *inter alia*, to post materials on general bulletin boards in  
16 crew lounges, to distribute materials through pilot mailboxes, to send group emails to  
17 pilots through SkyWest's email system, and to make presentations to newly-hired pilot  
18 classes, and also to use of dedicated bulletin board space in each crew lounge where  
19 SAPA had dedicated bulletin board space at any point in the last year.

20 4) Are hereby enjoined from funding or providing any financial support to SAPA.

21 IT IS FURTHER HEREBY ORDERED that no bond is necessary for each of the  
22 following separate and independent reasons: (1) Plaintiffs have a strong likelihood of success on  
23 the merits; (2) there is no realistic likelihood of harm to Defendant from enjoining its conduct;  
24 and (3) the balance of hardships weighs in favor of Plaintiffs.

25 IT IS SO ORDERED.  
26

27 Date: \_\_\_\_\_  
28

U.S. District Court Judge

1 APPENDIX A TO PRELIMINARY INJUNCTION  
2

Phil Alford SLC CRJ Captain  
Arshad Ali ORD CRJ Captain  
Omar Amin PSP EM2 Captain  
David Benjamin PDX EM2 Captain  
Andy Bharath DEN CRJ Captain  
David Boehm SLC CRJ Captain  
Frank Bowlin TRG CRJ Captain  
Thomas Caldwell DEN CRJ Captain  
Rick Clapp ORD CRJ Captain  
John Colson DEN CRJ Captain  
Travis Cook SLC CRJ First Officer  
Clifford Cooley DEN EM2 Captain  
Erik Copeland SLC CRJ Captain  
Nathaniel Cothran FAT CRJ First Officer  
Shaun Cunningham ORD CRJ Captain  
Jason Custer FAT CRJ Captain  
Larry de Freitas SLC CRJ Captain  
Steve Dow COS CRJ Captain  
Chris Eyring SLC CRJ Captain  
Ramon Gleser DEN CRJ Captain  
Laura Goudge TRG CRJ Captain  
Frank Hammond SBP EM2 Captain  
Karen "Diane" Helly SLC CRJ Captain  
Kurt Horst DEN CRJ Captain  
Gordon Hyde DEN CRJ First Officer  
Jason Ianiro ORD CRJ Captain  
Russ Jacobie FAT CRJ Captain  
Jesse Jenks SBP EM2 Captain  
Marc Johnson ORD CRJ Captain  
Steve Kanuch DEN CRJ Captain  
Scott Koehler TRG CRJ Captain  
Jeremy Konis TUS CRJ First Officer  
Russell LaBelle COS CRJ First Officer  
Jeri Lyn Liddiard SLC CRJ Captain  
Todd Lisak ORD CRJ Captain  
Riad Mansur ORD CRJ Captain  
Diletta Martirano SAN EM2 First Officer  
Jeremy Michalek SLC CRJ Captain  
Darris Miller DEN CRJ Captain  
Adam Miller ORD CRJ Captain  
Paul Millsap SLC CRJ Captain  
Scott Mitchell SLC CRJ Captain  
Douglas Moriarty SLC CRJ Captain  
Jeffery Nostrom SLC CRJ Captain  
Mike Owiecki SMF CRJ Captain  
Antonio Scamardella ORD CRJ Captain  
Jeff Sciaroni DEN CRJ Captain  
Curtis Sessions SLC CRJ Captain  
Tracy Shrier SLC CRJ Captain  
Peter Veuger DEN CRJ Captain  
Allen Walker FAT CRJ Captain  
Clinton Weichers MRY EM2 Captain  
Tom Wimber COS CRJ First Officer